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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,056	10/21/2004	Norio Ito	0033-0959PUS1	8421

2292 7590 09/16/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

BROOME, SAID A

ART UNIT	PAPER NUMBER
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2628

NOTIFICATION DATE	DELIVERY MODE
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09/16/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/512,056	Applicant(s) ITO ET AL.	
	Examiner Said Broome	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Said Broome/
 Primary Examiner, Art Unit 2628

Continuation of 11. does NOT place the application in condition for allowance because: The 35 U.S.C. 112, second paragraph rejection of claims 10 and 11 has been maintained because though pg. 13 lines 12-14 of the applicant's Specification discloses a data conversion unit for converting three-dimensional image data("Data conversion unit 26 converts the decoded three-dimensional image data to allow the data to conform to a desired three-dimensional display form, and outputs the converted data to display unit 24."), the applicant's Specification fails to disclose "...data conversion unit converting said synthesized three-dimensional image data, using a subset of the three-dimensional display control information for said plurality of types of three-dimensional display schemes, into a format of a selected three-dimensional display scheme of said plurality of three-dimensional display schemes.", as recited in the amended claim 10 provided in the amendment filed on 2/2/2010. Therefore in response to applicant's arguments, which state that "using a subset of three-dimensional display control information..." is implied by the data conversion unit 26 disclosed in the applicant's Specification, the applicant's arguments are unpersuasive because though the Specification discloses a data conversion unit as recited in claim 10, the recitation of a "...data conversion unit converting said synthesized three-dimensional image data, using a subset of the three-dimensional display control information for said plurality of types of three-dimensional display schemes, into a format of a selected three-dimensional display scheme of said plurality of three-dimensional display schemes.", is not provided in the Specification, and is therefore not implied by the claimed limitations of claim 10.

The applicant's argues that the rejection of claim 14 is improper because of the teachings of Akamatsu were provided in claim 1. However, the teachings of Osaka and Iizuka were relied upon to teach every limitation of claim 14, therefore due to the dependency of claim 14 from claim 1, the teachings of Akamatsu are incorporated into claim 14 because all the limitations and rejections of independent claim 1 are incorporated into dependent claim 14. Therefore the teachings of claim 1 under Osaka in view of Akamatsu, are included into claim 14, and are therefore incorporated with respect to the limitations of claim 14.

The applicant argues that the apparatus' disclosed in Figs. 4 and 5 of Akamatsu constitute separate apparatuses, and therefore do not teach an apparatus that generates control information for a plurality of display schemes. However, Akamatsu clearly teaches an apparatus, as shown in Figs. 1 and 4, which generates control information for providing a plurality of display schemes through utilization of the depth information circuit 101, in which the same apparatus causes different display schemes through transmission of the first three-dimensional image signal 11 in Fig. 1 to the depth information circuit 101, and also enables transmission of the second three-dimensional image signal 12 in Fig. 4 to the depth information circuit 101..